

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARCELLUS D. JONES,
(PLAINTIFF),

VS.

JOHN WITZEL, ET AL,
(DEFENDANTS),

4: CV18-2353

FILED
WILLIAMSPORT
DEC 07 2018
PER 
DEPUTY CLERK

INITIAL CIVIL COMPLAINT

I. JURISDICTION & VENUE

1) THIS IS A CIVIL ACTION PURSUANT 42 U.S.C §§ 1983 1985 & 1986 TO REDRESS THE DEPRIVATION, UNDER COLOR OF LAW- STATE LAW- OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C §§ 1331 & 1343 (a) (3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C §§ 2201 & 2202. PLAINTIFFS' CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C §§ 2283 & 2284 & FEDERAL RULES OF CIVIL PROCEDURE # 65. THE COURT ALSO HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW CLAIMS UNDER 28 U.S.C § 1367.

2) THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA IS THE APPROPRIATE VENUE UNDER 28 U.S.C § 1391 (b) (2) BECAUSE IT IS WHERE EVENTS GIVING RISE TO THIS COMPLAINT OCCURRED.

II. PLAINTIFFS

3) MARCELLUS D. JONES, THE PLAINTIFF, IS & WAS @ ALL TIMES MENTIONED HEREIN A PRISONER OF PENNSYLVANIA STATE IN THE CUSTODY OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS (Pa D.O.C). MR. JONES IS CURRENTLY CONFINED IN THE STATE CORRECTIONAL INSTITUTION @ SMITHFIELD IN HUNTINGDON COUNTY PA.

III. DEFENDANTS

- 4) DEFENDANT/TORTFEASOR: JOHN "WITZEL" IS & WAS @ ALL TIMES MENTIONED THE SECRETARY/HEAD OF THE Pa.D.O.C HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF THE DEPARTMENT & EACH INSTITUTION UNDER ITS JURISDICTION
- 5) DEFENDANT/TORTFEASOR: SHARLEI "SMEAL" IS & WAS @ ALL TIMES MENTIONED THE EXECUTIVE SECRETARY OF THE Pa.D.O.C SHE IS LEGALLY RESPONSIBLE FOR THE SUPERVISION OF THE DEPARTMENT & EACH INSTITUTION UNDER ITS JURISDICTION
- 6) DEFENDANT/TORTFEASOR: MICHAEL "WENGEROWICZ" IS & WAS @ ALL TIMES MENTIONED A REGIONAL DEPUTY SECRETARY OF THE EASTERN REGIONAL HE IS LEGALLY RESPONSIBLE FOR THE SUPERVISION OF INSTITUTIONS LOCATED ON THE EASTSIDE OF PENNSYLVANIA STATE
- 7) DEFENDANT/TORTFEASOR: DEB "SAHD" IS & WAS @ ALL TIMES MENTIONED A SUPERVISOR OF "SPECIALIZED TREATMENT PROGRAMS" WITHIN THE Pa.D.O.C SHE IS LEGALLY RESPONSIBLE FOR Pa.D.O.C INSTITUTIONS' PROGRA
- 8) DEFENDANT/TORTFEASOR: ROBERT "HAMMOND" IS & WAS @ ALL TIMES MENTIONED A STAFF ASSISTANT TO EXECUTIVE SECRETARY SMEAL HE IS LEGALLY RESPONSIBLE FOR RESOLVING PRISONERS PROBLEMS IN Pa.D.O.C INSTITUTIONS
- 9) DEFENDANT/TORTFEASOR: ERIN "BROWN" IS & WAS @ ALL TIMES MENTIONED THE DIRECTOR OF POPULATION MANAGEMENT WITHIN THE Pa.D.O.C SHE IS LEGALLY RESPONSIBLE FOR MOVING PRISONERS TO SAFE Pa.D.O.C INSTITUTIONS

- 10) DEFENDANT TORTFEASOR: KENNETH "GOODMAN" IS & WAS @ ALL TIMES MENTIONED THE CHIEF SECURITY OFFICER OF THE Pa.D.O.C He LEGALLY RESPONSIBLE FOR PRISONERS SAFETY WITHIN Pa.D.O.C INSTITUTIONS;
- 11) DEFENDANT TORTFEASOR: KATHY "BRITAIN" IS & WAS @ ALL TIMES MENTIONED THE WARDEN/SUPERINTENDANT @ FRACKVILLE'S STATE CORRECTIONAL INSTITUTION ("S.C.I-FRACK") SHE IS LEGALLY RESPONSIBLE FOR SUPERVISING S.C.I-FRACK
- 12) DEFENDANT TORTFEASOR: "WHITE" IS & WAS @ ALL TIMES MENTIONED THE DEPUTY SUPERINTENDANT @ S.C.I-FRACK SHE IS LEGALLY RESPONSIBLE FOR OVERSIGHT @ S.C.I-FRACK;
- 13) DEFENDANT TORTFEASOR: "SORBER" IS & WAS @ ALL TIMES MENTIONED THE DEPUTY SUPERINTENDANT @ S.C.I-FRACK HE IS LEGALLY RESPONSIBLE FOR OVERSIGHT @ S.C.I-FRACK;
- 14) DEFENDANT TORTFEASOR: "BOLINSKY (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-5 (FIVE) MAJOR OF THE GUARD HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED SECURITY PERSONNEL @ S.C.I-FRACK;
- 15) DEFENDANT TORTFEASOR: "ALBERT" WAS @ TIMES A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-4 (FOUR) A CAPTAIN HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I-FRACK;

16) DEFENDANT / TORTFEASOR "LUKASHEFSKI (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-4 (FOUR) A CAPTAIN HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

17) DEFENDANT / TORTFEASOR: "JON DOE" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-4 (FOUR) A CAPTAIN HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

18) DEFENDANT / TORTFEASOR "SWISHER" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-FOUR (4) A CAPTAIN HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

19) DEFENDANT / TORTFEASOR: "REES (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-4 (FOUR) A CAPTAIN HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

20) DEFENDANT / TORTFEASOR: "MOSEY" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

21) DEFENDANT / TORTFEASOR: "MCCOY" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ SOC-1-FRAX;

22) DEFENDANT / TORT FEASOR: ~~"THOMPSON"~~ ^{"YOUNG"} IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) A LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I.-FRANK;

23) DEFENDANT / TORT FEASOR: "BLY" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) A LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I.-FRANK;

24) DEFENDANT / TORT FEASOR: "EDEN (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) A LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I.-FRANK;

25) DEFENDANT / TORT FEASOR: "GREGOIRE (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) A LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I.-FRANK;

26) DEFENDANT / TORT FEASOR: "ONSHAWK (?)" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONS OFFICER WITH A RANKING OF LEVEL-3 (THREE) A LIEUTENANT HE IS LEGALLY RESPONSIBLE FOR SUPERVISING LOWER RANKED PERSONNEL @ S.C.I.-FRANK;

27) DEFENDANT / TORT FEASOR: "DOWD" IS & WAS @ ALL TIMES MENTIONED A UNIT MANAGER SHE IS LEGALLY RESPONSIBLE FOR SUPERVISING THE HOUSING SHE IS ASSIGNED TO & THE LOWER RANKED PERSONNEL ON HER HOUSING UNIT @ S.C.I.-FRANK;

28) DEFENDANT/TORTFEASOR: "O'KANE" IS & WAS @ ALL TIMES MENTIONED A CORRECTIONAL PROGRAMS MANAGER SHE IS LEGALLY RESPONSIBLE FOR PROCESSING "PRISON RAPE ELIMINATION ACT" PREA COMPLAINTS @ S.C.I - FRAK;

29) DEFENDANT/TORTFEASOR: ROBERT "BOYCE" IS & WAS @ ALL TIMES MENTIONED A PSYCHOLOGICAL SERVICES SPECIALIST HE IS LEGALLY RESPONSIBLE FOR EVALUATING PRISONERS MENTAL HEALTH NEEDS @ S.C.I - FRAK;

30) DEFENDANT/TORTFEASOR: "HOFFNER" IS & WAS @ ALL TIMES MENTIONED A LEVEL-1 (ONE) CORRECTIONS OFFICER HE IS LEGALLY RESPONSIBLE FOR PRISONERS SECURITY & SAFETY @ S.C.I - FRAK;

31) DEFENDANT/TORTFEASOR: "POTTAPO" IS & WAS @ ALL TIMES MENTIONED A LEVEL-1 (ONE) CORRECTIONS OFFICER HE IS LEGALLY RESPONSIBLE FOR PRISONERS SECURITY & SAFETY @ S.C.I - FRAK;

32) DEFENDANT/TORTFEASOR: "BEACH" IS & WAS @ ALL TIMES MENTIONED A LEVEL-1 (ONE) CORRECTIONS OFFICER HE IS LEGALLY RESPONSIBLE FOR PRISONERS SECURITY & SAFETY @ S.C.I - FRAK;

33) DEFENDANT/TORTFEASOR: "SMITH" IS & WAS @ ALL TIMES MENTIONED A PSYCHOLOGICAL SERVICES SPECIALIST SHE IS LEGALLY RESPONSIBLE FOR EVALUATING PRISONERS MENTAL HEALTH NEEDS @ S.C.I - FRAK;

34) EACH DEFENDANT IS BEING SUED IN THEIR INDIVIDUAL & OFFICIAL CAPACITIES @ ALL TIMES MENTIONED IN THIS COMPLAINT @ ALL TIMES RELEVANT EACH DEFENDANT TORTFEASOR ACTED UNDER COLOR OF STATE LAW

IV. COMPLAINT

35) MACELANUSA "JONES" HEREBY COMPLAINS AGAINST DEFENDANTS/TORTFEASORS CAPTIONED ABOVE

V. BACKGROUND

36) FROM FEB. 2, 2018 UNTIL OCT. 22, 2018 THE PLAINTIFF "JONES" WAS CONFINED WITHIN S.C.I.-FRAK'S BEHAVIOR MODIFICATION UNIT "B.O.M.U." PROGRAM ON DATES INCLUDING BUT NOT LIMITED TO: APR. 20, 2018; JUNE 16, 2018; JUNE 25, 2018; JUNE 9, 2018; JULY 2, 2018; JULY 1, 2018; JULY 4, 2018; 2 JULY 6, 2018; JULY 11, 2018; OCT. 4, 2018; & OCT. 9, 2018 THE S.C.I.-FRAK CCTV & HANDHELD AUDIO/VIDEO FOOTAGE WILL SHOW S.C.I.-FRAK STAFF MAKE AGREEMENTS TO HAVE MR. JONES PHYSICALLY ATTACKED AS WELL AS THREATENED, DENIED SHOWERS, EXERCISE & COURT ACCESS ALONG WITH HAVING HIS PERSONAL/LEGAL PROPERTY STOLEN ALL BECAUSE MR. JONES FILED VARIOUS COMPLAINTS OF ABUSE AGAINST S.C.I.-FRAK STAFF.

VI. 1ST CAUSE OF ACTION

37) ON APR. 20, 2018 THE S.C.I.-FRAK CCTV FOOTAGE WILL SHOW C.O. HOFFNER, C.O. THOMPSON & OTHERS ALLOW THEIR HIRELING INMATE TO HAVE FREE REIGN TO APPROACH MR. JONES' CELL & BEGAN TO BANG, KICK, SCREAM & YELL @ MR. JONES STATING THAT HE WOULD "KILL YOU FOR BEING SUCH A FUCKING SWITCH" & "WE'RE GONNA FUCK YOU UP FOR RATTING US OUT, SO WATCH HOW OUR SET-UP GOES DOWN" AS THE INMATE RANTED & RAVED @ MR. JONES' CELL C.O.'S HOFFNER NOR ANY OTHERS DID ANYTHING AS MR. JONES WAS THREATENED WITH RETALIATION BY THEIR HIRED INMATE THESE EVENTS ONLY ENDED AFTER THE INMATE IN QUESTION SLAMMED HIS MEAL TRAY AGAINST MR. JONES' CELL DOOR.

38) AFTER MR. JONES SUBMITTED COMPLAINTS/GRIEVANCES ABOUT THE FOREGOING INCIDENT OF ABUSE TO Pa D.O.C ADMIN. SAHD, SMYAL, BROWN, HAMMOND & PATRONE - WHO ALL PER Pa D.O.C POLICY # 13.8.1 REPORT TO SEC. WITZEL - TO NO AVAIL. SEE EXHIBIT A

- 39) MR. JONES' UNADDRESSED COMPLAINTS/GRIEVANCES CAUSED HIM TO SUFFER UNDER S.C.O.-FRAK'S UNIFIED ACTS OF RETALIATION ON JULY 1, 2018 S.C.O.-FRAK CCTV FOOTAGE WILL SHOW THE INMATE THAT THREATENED MR. JONES IN PARAGRAPH # 36 & 37 ABOVE IN A SECLUDED MINI-LAW LIBRARY AREA WITH BOYCE & AFTER THEY BOTH EXITED THE MINI-LAW LIBRARY AREA BOYCE BEE-LINED TO MR. JONES' CELL & GAVE HIM A DISCIPLINARY REPORT THAT BOYCE & THE HIRED INMATE CONSPIRED UP.
- 40) THEN ON JULY 2, 2018 AS SEEN ON S.C.O.-FRAK CCTV FOOTAGE THIS SAME INMATE & C.O. HOFFNER WERE POINTING @ MR. JONES' CELL AS THEY SAID: INMATE - "WE NEED TO GET THAT NIGGER SWITCH" HOFFNER - "DON'T WORRY HE'LL PAY DEARLY FOR BEING A CRY BABY BITCH BEFORE THE WEEK IS OUT" &
- 41) AFTER MR. JONES FILED MORE COMPLAINTS & GRIEVANCES ON JULY 4, 2018 (NO LESS) AS MR. JONES STOOD @ HIS CELL'S DOOR TO USE THE PRISON'S PHONE TO CALL HIS FAMILY ON THE HOLIDAY POTAGE & TESTEN ALLOWED THEIR HIRED INMATE TO SPRAY MR. JONES IN THE FACE WITH DISINFECTANT THEN POTAGE, MOSER, TESTEN & COMISAC HAD MR. JONES ISSUED A DISCIPLINARY REPORT FOR ASSAULT AGAINST THIS SAME INMATE. SEE EXHIBIT-B. ALSO YOUNG TOOK PART IN MR. JONES' BEING ASSAULTED ON JULY 4, 2018 WHEN MR. JONES SPOKE TO YOUNG - SPECIFICALLY - ABOUT HIM BEING ASSAULTED THEN ISSUED A DISCIPLINARY REPORT FOR SAID ASSAULT.
- 42) ON JULY 23, 2018 AS MR. JONES WAS BEING INTERVIEWED REGARDING HIS COMPLAINT OF ABUSE BECAUSE HE CHOOSE TO PARTICIPATE IN SAID MR. JONES WAS DENIED A SHOWER BY MOSER DOWD & HOFFNER.

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- 43) MR. JONES & THE INMATE ARE BOTH HOUSED IN THE B.M.U. AS SUCH THEY ARE EXPRESSLY PROHIBITED TOBACCO PRODUCTS FURTHERMORE PURSUANT TO THE P.A.D.O.C.'S POLICY GOVERNING THE B.M.U. WEEKLY &/OR MONTHLY EVALUATIONS OF ALL COMPLAINTS LETTERS INTERNAL GRIEVANCES - INTER ALIA - ARE SEEN TO BY S.C.O. WETZEL PERSONALLY.

44) AFTER MR. JONES FILED LETTERS/COMPLAINTS/GRIEVANCES TO S.C.O.-FRANK ADMIN. & P.D.O.C ADMIN. IN MAY 2018 & JULY 2018 PUTTING THEM ON NOTICE THAT LOWER RANKED S.C.O.-FRANK STAFF WAS PAYING OFF INMATES WITH TOBACCO. ON AUG. 9, 2018 S.C.O.-FRANK'S CCTV FOOTAGE WILL SHOW THE SAME INMATE THAT MR. JONES COMPLAINED ABOUT TO: WETZEL, WENROWICZ, SIMAL, SAHD, HAMMOND, GOODMAN, BROWN & PATRONE CAUGHT WITH TOBACCO BY S.C.O.-FRANK STAFF - EVEN THOUGH HE WENT UNPUNISHED ALTHOUGH TOBACCO IS CONTRABAND WITHIN THE B.M.U.

* * * * * NOTICE * * * * *

45) ON AUG. 19, 2018 THE INMATE & HOFFNER WERE ALONE IN A SECLUDED/ISOLATED WITH ALL OF THE LIGHTS OFF AS SEX ACTS WERE BEING DONE. THIS INCIDENT DIRECTLY VIOLATES FEDERAL & STATE PREA LAWS.

VII. 2ND CAUSE(S) OF ACTION

46) ON MAR. 27, 2018 AS MR. JONES WAS PARTICIPATING IN REHABILITATIVE PROGRAMMING ALONG WITH OTHER PRISONERS WITH OTHER PRISONERS HOUSED IN S.C.O.-FRANK'S B.M.U. THE CORRESPONDING CCTV FOOTAGE FROM THIS DATE & TIME WILL SHOW MCCORD, BEACH & OTHERS ENTER INTO PRISONERS WHILE THEY ARE ATTENDING GROUP REHABILITATION PROGRAMS STEAL THESE PRISONERS LEGAL & PERSONAL PROPERTY THEN GIVE THE STOLEN PROPERTY TO WHITE INMATES AS PAYMENT.

47) ON MAR. 27, 2018 CCTV FOOTAGE WILL SHOW THAT MR. JONES' PROPERTY WAS TAKEN/STOLEN BY MCCORD, BEACH & OTHERS & WAS USED AS PAYMENT TO WHITE INMATE(S).

48) IN APR 2018 MAY 2018 & JUNE 2018 MR. JONES FILED REPORTS/LETTERS/COMPLAINTS TO Pa.D.O.C ADMIN. WETZEL, PATRONE, HAMMOND, SAHD & BROWN EXPLAINING PRECISELY THE ABUSES BEING TO HIM BY S.C.I.-FRANK STAFF.

49) AS A RESULT OF MR. JONES' COMPLAINT NOTICES TO Pa.D.O.C ADMIN. ON JULY 6 2018 WHEN MR. JONES GAVE HIS LEGAL MAIL TO McCORD TO BE SENT TO THE THIRD CIRCUIT COURT OF APPEALS REGARDING THE FOLLOWING 2(two) CASES:

1) JONES V. WETZEL # 17-3326

2) JONES V. WETZEL # 17-3482

50) MR. JONES' OUTGOING LEGAL FILINGS WERE DESTROYED/STOLEN BY McCORD WITH TACIT APPROVAL/AUTHORIZATION FROM Pa.D.O.C ADMIN. & S.C.I.-FRANK ADMIN. BRITAIN WHITE NEWBERRY YOUNG ALBERT MCCORD MOSER REES(?) & DOWD

51) THIS THEFT/DESTRUCTION OF MR. JONES' OUTGOING LEGAL FILINGS CAUSED HIM TO SUFFER AN ACTUAL INJURY WHEN THE THIRD CIRCUIT COURT OF APPEALS ENTERED A DECISION AGAINST MR. JONES WITHOUT EVER HEARING OR EVEN CONSIDERING MR. JONES' MERITORIOUS ARGUMENTS PRIOR TO RENDERING THEIR JUDGMENT.

* * * NOTICE * * *

52) PARTS OF THE FILINGS CONTAINED WITHIN THE JULY 6, 2018 LEGAL FILINGS WERE PRISONER DECLARATIONS/AFFIDAVITS THAT WERE ONE(1)-OF-ONE(1) WHICH MR. JONES HAS LOST ALONG WITH OTHER EXCLUSIVE MATERIALS THAT WOULD HAVE PERSUADED THE APPELLATE COURT TO MR. JONES' FAVOR THE ABOVE CAPTIONED APPEALS.

53) ON SEPT. 30, 2018 MULTIPLE S.C.O.-FRK VIDEO RECORDINGS WILL SHOW HOFFNER PLOTTING/CONNING/SCHEMING WITH THE HIRED INMATE STATING "NOW IT'S TIME TO GET HIM" - MEANING MR. JONES - THEN BETWEEN THE HOURS OF 6PM - 8PM VIDEO RECORDINGS WILL SHOW HOFFNER SINGLE-OUT THE CELL MR. JONES WAS IN FOR A RETALIATORY CELL INSPECTION.

54) ON OCT. 1, 2018, S.C.O.-FRK'S CCTV FOOTAGE WILL SHOW BOYCE PLOTTING/CONNING/SCHEMING WITH THE SAME HIRED PRISONER AGAIN AFTER MEETING IN A PRIVATE AREA TO CONSPIRE AGAINST MR. JONES BOYCE EXITED HIS PRIVATE MEETING WITH THE HIRED INMATE THEN BOYCE ZEROED-IN ON MR. JONES' CELL AS HE BEGAN TO THREATEN/HARASS/DEMEAN MR. JONES THEN BOYCE ISSUED MR. JONES A FALSE/FABRICATED MISCONDUCT REPORT.

55) ON OCT. 3, 2018 MULTIPLE S.C.O.-FRK VIDEO RECORDINGS WILL SHOW HOFFNER & PALERINO (?) PHYSICALLY ATTACK MR. JONES WHEN THEY ENTERED HIS CELL & BEGAN TO KICK & PUNCH MR. JONES WHILE YELL "YEAH PUSSY NOW YOU HAVE A REASON TO SNITCH" - HOFFNER & "THIS ASS WHIPPING IS A REASON FOR YOU TO FILE ANOTHER LAWSUIT" - PALERINO.

* * * N O T I C E * * *

56) AFTER HOFFNER & PALERINO COMMITTED THEIR VICIOUS ATTACK ON MR. JONES. MR. JONES WAS TOLD THAT THE ABUSES WOULD GET WORSE BY EIDEM IF MR. JONES CONTINUED TO FILE COMPLAINTS TO P.D.D.C. ADMIN.

57) @ NO TIME DID EITHER THE 2PM-10PM OR 10PM-6AM SHIFT PROVIDE MR. JONES WITH ANY MEDICAL TREATMENT & MR. JONES WAS TOLD SPECIFICALLY BY S.C.O.-FRK MEDICAL STAFF/NURSE "KATHY" & EIDEM THAT HE WOULD NOT BE GIVEN ANY MEDICAL CARE @ ALL UNLESS HE STOPPED COMPLAINTING.

JUDICIAL NOTICE

58) # ALL DEFENDANTS/TORTFEASORS MENTIONED FOREGOINGLY - PARAGRAPHS MEET ANY & ALL SET CRITERIA & DEFINITIONS OF "TORTFEASORS", "LOCAL AGENCIES", "STATE OFFICIALS", IN ACCORDANCE WITH THE POLITICAL PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT 42 Pa C.S.A § 8501 ET SEQ. MOREOVER THE DEFENDANTS/TORTFEASORS ARE ALSO LIABLE UNDER PENNSYLVANIA RULES OF CIVIL PROCEDURE # 1007

59) MR. JONES AVERS THAT CLAIMS OF "WILLFUL MISCONDUCT" PURSUANT TO 42 Pa C.S.A § 8550 ARE BEING FILED AGAINST EACH DEFENDANT/TORTFEASOR IN THEIR "INDIVIDUAL CAPACITIES" THRU-OUT THIS CIVIL COMPLAINT AS A RESULT NONE OF THE DEFENDANTS/TORTFEASORS ARE ELIGIBLE TO RECEIVE ANY IMMUNITIES UNDER THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT BECAUSE MR. JONES ASSERTS IN THIS CIVIL COMPLAINT THAT EACH TORTFEASOR WAS MOTIVATED BY "ACTUAL MALICE & WILLFUL MISCONDUCT" & THAT EACH TORTFEASORS' ACTIONS - EXPLAINED IN VIVID DETAIL - HEREIN WERE TAKEN IN ORDER TO BRING ABOUT THE RESULTS &/OR INJURIES DESIRED BY THESE TORTFEASORS (INTENTIONAL TORT) & (CONVERSION TORT) THAT FOLLOWED SEE: 42 Pa C.S.A §§ 8545 & 8550. CORNWELL COMPANIES VS. BUREAU OF NEW MORGAN 512 F.Supp 2d 238 2007 U.S. DISTO LENS 39641 & PALMER VS. BARTOSH 959 A 2d 508.

60) MOREOVER MR. JONES AVERS THAT DURING THE INCIDENTS IN WHICH THE TORTFEASORS COMMITTED WILLFUL MISCONDUCT - EXPLAINED BELOW - AGAINST MR. JONES EACH TORTFEASOR WAS ACTING OUTSIDE OF THE OFFICE OR DUTIES OF THE EMPLOYER WHILE PURPORTING TO BE ACTING UNDER COLOR OF LAW & DEPARTMENT OF CORRECTIONS POLICIES THEREFORE ANY LEGAL ASSISTANCE PROVIDED TO THESE TORTFEASORS BY THEIR RESPECTIVE EMPLOYING AGENCIES IS A STATUTORY VIOLATION UNDER THE PENNSYLVANIA SUBDIVISIONS (POLITICAL) TORT CLAIMS ACT @ 42 Pa C.S.A § 8547 LEGAL ASSISTANCE & MAY GIVE RISE TO FUTURE CLAIMS PUNISHABLE BY LAW.

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VIII. * LEGAL CLAIMS * * *

MR. JONES RE-ALLEGES & INCORPORATES PARAGRAPHS # 1-60

- 61) CLASS OF ONE - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4-60 KNEW THAT THEIR ACTS & OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS / CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS CAUSED MR. JONES TO BE TREATED IN A WAY WORSE THAN OTHER PRISONERS LESS DESERVING & SIMILIARLY SITUATED TO MR. JONES;
- 62) CONSPIRACY - WHEREAS THE DEFENDANT TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4-60 KNEW THAT THEIR ACTS & OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS ENTERED INTO AGREEMENTS WHICH CAUSED MR. JONES TO SUFFER 1ST, 5TH, 6TH, 8TH, & 14TH AMENDMENT VIOLATIONS;
- 63) FAILURE TO INTERVENE - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4-60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE &/OR AMOUNT TO LEGAL RAMIFICATIONS CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS FAILED TO STOP VIOLATIONS OF MR. JONES' 1ST, 5TH, 6TH, 8TH & 14TH AMENDMENT RIGHTS;
- 64) RETALIATION - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4-60 KNEW THAT THEIR ACTS & OMISSIONS WOULD AMOUNT TO HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS USED ILLEGAL BASIS' TO TAKE ACTION AGAINST MR. JONES;

- 65) CRUEL & UNUSUAL PUNISHMENT - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4 - 60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE &/OR AMOUNT TO LEGAL CONSEQUENCES RAMIFICATIONS WHEN THEY SUBJECTED JONES TO DELIBERATE INDIFFERENT MALICIOUS INHUMANE TREATMENT;
- 66) DENIAL OF ACCESS TO COURT - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4 - 60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS /CONSEQUENCES WHEN THESE DEFENDANTS TORTFEASORS SUBJECTED MR. JONES TO MALICIOUS ABUSES AS WELL AS PREVENTING HIS PETITIONS FROM BEING CONSIDERED BY THE COURTS;
- 67) VIOLATION OF DUE PROCESS - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4 - 60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY SUBJECTED MR. JONES TO DENIAL OF HIS RIGHTS TO DUE PROCESS OF LAW;
- 68) PA STATE LAW DEFAMATION - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4 - 60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY SUBJECTED MR. JONES TO DEFAMING SLANDEROUS STATEMENTS WITHIN THE COMMONWEALTH COURTS;
- 69) PA STATE LAW INTENTIONAL & CONVERSION TORTS - WHEREAS THE DEFENDANTS TORTFEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4 - 60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY VIOLATED MR. JONES' STATE LAW RIGHTS PER 42 Pa C.S.A §§ 8545 - 8550;

70) A STATE LAW PECULIAR RISK & SUPERIOR KNOWLEDGE TORTS - WHEREAS THE DEFENDANTS TORT FEASORS MENTIONED FOREGOINGLY THRU-OUT PARAGRAPHS # 4-60 KNEW THAT THEIR ACTS & OMISSIONS WOULD HAVE LEGAL RAMIFICATIONS CONSEQUENCES WHEN THEY VIOLATED BY HAVING ACTUAL KNOWLEDGE OF UNNECESSARY RISKS TO MR. JONES YET DID NOTHING TO ALLEVIATE SAID RISKS;

71) MR. JONES HAS NO ADEQUATE OR COMPLETE REMEDY @ LAW TO REDRESS THE WRONGS DESCRIBED HEREIN MR. JONES HAS BEEN & WILL CONTINUE TO BE IRREPAIRABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THE COURTS GRANTS THE DECLARATORY & INJUNCTIVE RELIEF WHICH MR. JONES SEEKS

* * * PRAYER FOR RELIEF * * *

72) WHEREFORE MR. JONES RESPECTFULLY REQUESTS PRAYS THAT THIS COURT ENTERS JUDGMENT GRANTING HIM:

73) A DECLARATION THAT THE ACTS & OMISSIONS DESCRIBED HEREIN VIOLATED HIS RIGHTS UNDER THE CONSTITUTION & LAWS OF THESE UNITED STATES

74) A DECLARATION THAT THE ACTS & OMISSIONS DESCRIBED HEREIN VIOLATED JONES' RIGHTS UNDER PENNSYLVANIA STATE LAWS

75) A PRELIMINARY &/OR PERMANENT INJUNCTION & DECLARATION ORDERING DEFENDANTS TORT FEASORS: WETZEL TO GIVE MR. JONES UNOBSTRUCTED ACCESS TO HIS LEGAL PROPERTY

76) COMPENSATORY DAMAGES IN THE AMOUNT OF \$500,000.00 AGAINST EACH DEFENDANT JOINTLY & SEVERALLY

77) PUNITIVE DAMAGES IN THE AMOUNT OF \$95,000.00 AGAINST EACH DEFENDANT

78) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY

79) MR. JONES' COST IN THIS SUIT

80) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER & EQUITABLE
VERIFICATION

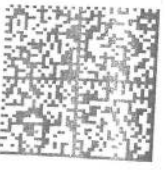
I HAVE READ THE FOREGOING COMPLAINT & DO HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE & CORRECT EXCEPT AS TO MATTERS ALLEGED UPON INFORMATION & BELIEF & AS TO THOSE I BELIEVE THEM TO BE TRUE & CORRECT

S, MARCELLUS

DATE: NOV. 26, 2018

MARCELLUS D. JONES
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